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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,347	10/26/2001	Steven T. Breidenbach	10010026 -1	2380

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EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,347

Applicant(s)

BREIDENBACH ET AL.

Examiner

Namitha Pillai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11 and 24-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 5-11 and 24-42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,452,95 B1 (Casey et al.), herein referred to as Casey.

Referring to claims 1, 12 and 23, Casey discloses a system for improving the performance of a plurality of peripheral devices (column 1, lines 7-9). Casey discloses a first peripheral device comprising a first software component and having a first functionality (column 2, lines 58-61 and column 3, lines 3-4). Casey also discloses a second peripheral device comprising a second software component and having a second functionality, the second peripheral device being coupled to the first peripheral device (column 2, lines 61-67 and column 3, lines 1-5). Casey discloses that the first and second peripheral devices together perform a third functionality in addition to the first and second functionalities and having a common user interface (column 3, lines 34-39). Casey further discloses no intermediate computing device positioned along the communication path between the peripheral devices (column 5, lines 16-21).

Referring to claim 3, Casey discloses that the first and second peripheral devices are coupled via a network (column 1, lines 46-48).

Referring to claim 5, Casey discloses that the first and second peripheral devices are coupled directly to each other (column 5, lines 16-20).

Referring to claim 6, Casey discloses that the first peripheral device is a scanner and the second peripheral device is a printer and the third functionality is a copying functionality (column 1, lines 9-13).

Referring to claim 7, Casey discloses a graphical user interface presented on the first peripheral device, where the graphical user interface receives information from the first and second software components and presents to a user the additional third functionality (column 3, lines 3-16 and column 4, lines 1-5).

Referring to claim 8, Casey discloses first software component of the first peripheral device and the second software component of the second peripheral device allow the first and second peripheral devices to exchange information over a network, pertaining to the identity of the first peripheral device and the second peripheral device (column 3, lines 3-8).

Referring to claim 9, Casey discloses that the information exchanged between the first and second peripheral devices further comprises information relating to the capabilities of the first peripheral device and the second peripheral device (column 5, lines 61-67 and column 6, lines 1-6).

Referring to claim 10, Casey discloses that the first peripheral device modifies its capabilities based on the information received from the second peripheral device (column 6, lines 44-50), wherein the printer modifies its capabilities based on the image input device's capabilities.

Referring to claim 11, Casey discloses that the first peripheral device presents to a user a menu of available functionality based on the information received from the second peripheral device (column 6, lines 17-21), wherein the image input device would choose options that are available for manipulating the document to be printed for reducing or enlarging.

Referring to claims 24 and 32, Casey discloses a method practiced by a personal computer (PC) for providing additional functionality from peripheral devices (column 1, lines 7-13). Casey discloses searching for and identifying peripheral devices that are accessible to the PC, determining the capabilities of each identified peripheral device using the PC and presenting to the user with the PC a functionality that is available through combination of the capabilities of the identified peripheral devices, the functionality being a functionality that is not independently provided by the identified peripheral devices (column 4, lines 1-48).

Referring to claims 25 and 33, Casey discloses automatically querying all peripheral devices on a network to which the PC is connected (column 4, lines 50-63).

Referring to claim 26, Casey discloses determining the capabilities of the identified peripheral devices further comprises receiving information from peripheral device software provided on each identified peripheral device (column 4, lines 38-48).

Referring to claims 27 and 34, Casey discloses storing information about the peripheral device capabilities in a registry of the PC (column 3, lines 3-5).

Referring to claims 28 and 35, Casey discloses presenting a functionality to the user comprises presenting the functionality to the user with a graphical user interface (GUI) on a display associated with the PC (Figure 2 and column 3, lines 34-39).

Referring to claim 29, Casey discloses that the GUI comprises a pull-down menu (Figure 2).

Referring to claims 30 and 36, Casey discloses that the GUI displays the complete set of tasks that can be performed through combination of the capabilities of the identified peripheral devices (column 3, lines 34-39).

Referring to claims 31 and 37, Casey discloses presenting a functionality to the user comprises presenting a copying functionality that is available due to a scanning capability of a scanner and a printing capability of a printer (column 6, lines 7-13).

Referring to claim 38, Casey discloses a peripheral device with auto recognition logic that is configured to transmit a broadcast message on a network to announce the presence of the peripheral device on the network, receive response signals from compatible peripheral devices also on the network, the response signals comprising information as to the identity and capabilities of the compatible peripheral devices (column 3, lines 3-12). Casey also discloses automatically present a functionality option to a user that is only available through combination of the capabilities of the peripheral device and at least one of the compatible peripheral devices (column 3, lines 14-21).

Referring to claim 39, Casey discloses that the auto-recognition logic comprises a software component that is configured to modify a capability of the peripheral device based upon the information received from the compatible peripheral devices (column 3, lines 3-12).

Referring to claim 40, Casey discloses that the auto-recognition logic presents the functionality option to the user in a graphical user interface (GUI) of the peripheral device (column 4, lines 1-5).

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Referring to claim 41, Casey discloses that the peripheral device is a scanner and the functionality is a copying functionality (column 2, lines 58-67).

Referring to claim 42, Casey discloses that the peripheral device is a digital camera and the functionality is image printing (column 2, lines 58-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casey and “Wireless Networks”.

Referring to claim 4, Casey does not specifically disclose that the first and second peripheral devices are coupled via a wireless network. It would have been obvious for one skilled in the art at the time of the invention to implement a wireless network through which the devices are coupled. Wireless networks have been a growing trend in the field, wherein networks that are existing such as the Internet, as disclosed in Casey and which may previously have been connected via cables have been introduced to wireless networks wherein all connectivity would be wireless. “Wireless Networks” teaches the advantages of having a wireless network and the features of network that are wireless (page 1, lines 12-15). It would have been obvious for one skilled in the art at the time of the invention to learn from the “Wireless Network” to implement a means wherein a network would be wireless.

Response to Claim Changes

3. The Examiner acknowledges Applicant's amendments to claims 1 and 6-8, the cancellation of claims 2 and 12-23 and the addition of new claims 24-42 to better specify the present invention. However, all claims are rejected under 35 U. S. C. 102 as being previously disclosed in Casey.

Response to Arguments

4. Applicant's arguments filed 12/27/04 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Casey does not teach that the first and second peripheral devices are coupled to each other without an intermediate computing device positioned along the communication path between the peripheral devices. Casey does teach an embodiment wherein suggesting direct connection between the first and second peripheral devices without an intermediate computing device positioned along the communication path between the peripheral devices (column 5, lines 16-21).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

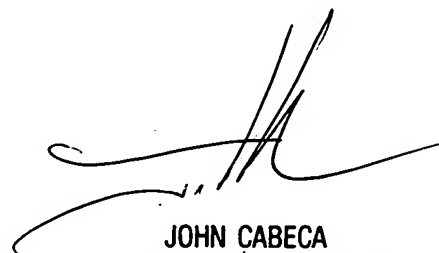
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
May 13, 2005



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER